

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND
John Marshall Courts Building

JERMAINE HICKMAN

Plaintiff,
v.
KROGER LLC, T/A Kroger # 514
Defendants.

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CIRCUIT COURT
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Case No. CL22-3974(1)

COMPLAINT

NOW COMES the Plaintiff, by counsel, and moves for judgment against the above-named Defendant and in support thereof says as follows:

1. The Defendant, Kroger LLC, T/A Kroger # 514, hereinafter, "Kroger" is, and at all times herein was, a limited liability company, duly organized and existing under the laws of the Commonwealth of Virginia and is engaged in operating a grocery store.
2. At the aforesaid time, Kroger was and still is located at 7000 Tim Price Way North Chesterfield, Virginia 23225.
3. On February 13, 2021, the Plaintiff was a customer at Kroger.
4. At the aforesaid time and place, the Plaintiff while exercising due care for his own safety was walking towards the customer service area and stepped in something that was later identified as clear hand sanitizer.
5. After stepping in the hand sanitizer, the Plaintiff slipped and fell to the ground.
6. At the aforesaid time and place, there was no sign or anything else to warn the Plaintiff that hand sanitizer was on the floor or that a dangerous condition existed.
7. The Plaintiff asked a manager, agent and/or employee, of Kroger why there was no

sign.

8. In response to the plaintiff's question about a sign, the manager, agent and/or employee stated that there was supposed to be a sign and he didn't know why it was not there.

9. Kroger, through its agents, servants, and employees negligently allowed hand sanitizer to form on their floor and remain.

10. Kroger, through its agents, servants, and employees had sufficient time to have cleaned the hand sanitizer from the floor but negligently failed to clean up the hand sanitizer.

11. Kroger, through its agents, servants, and employees had sufficient time to put out warning signs or use other methods to warn their customers of the dangerous condition but failed to do so.

12. Kroger, through its agents, servants, and employees was negligent in failing to clean up the hand sanitizer and failing to warn their customers including the plaintiff of the dangerous condition created by the hand sanitizer on the floor

14. At all times relevant herein, Kroger its agents, servants, and employees owed the public a duty of exercising due care for the safety of any persons walking in their store which included but was not limited to:

- a. preventing hand sanitizer from spilling onto the floor,
- b. removing dangerous substances including hand sanitizer from the floor,
- c. maintaining their store in a condition to allow the Plaintiff to safely walk through the store,
- d. to warn users including the Plaintiff of any dangerous condition including but not limited to substances on their floor

15. Kroger, through its agents, servants, and employees, knew or should have known

of the dangerous condition.

16. Kroger, through its agents, servants, and employees negligently, by acts of omission and commission, breached said duty owed to the Plaintiff.

17. As a direct and proximate result thereof, the Plaintiff was caused to suffer serious and permanent injuries, has been prevented from transacting his business, has suffered and will continue to suffer great pain of body and mind, has incurred and will incur in the future medical and related bills in an effort to be cured of said injuries, and has suffered a loss of past and future wages, and a loss of earning capacity.

WHEREFORE, the Plaintiff demands judgment against the Defendant in the amount of FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$500,000.00), plus costs, and interest from the date of judgment.

TRIAL BY JURY IS DEMANDED.


Jermaine Hickman
By counsel


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